

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BILLY GAIL BIRMINGHAM

Defendant.

Cr. No. 04-10071

MOTION FOR CONTINUANCE OF REPORT DATE

COMES NOW, the United States of America, by and through Terrell L. Harris, United States Attorney, and Jerry R. Kitchen, Assistant United States Attorney for the Western District of Tennessee, and moves this Honorable Court for a continuance of the report date in the above-styled cause and for grounds which state as follows:

This case is set for report/competency hearing on Tuesday, June 7, 2005 at 9:00 a.m. Assistant U.S. Attorney Kitchen has been out of the office and in training between May 23, 2005 and June 6, 2005 and as such, requires additional time to prepare.

Defense counsel has been consulted and does not object to a continuance.

WHEREFORE, premises considered, the Government requests that the report date be reset for Friday, June 10, 2005

Reset: Friday
June 10, 2005
8:30Am

MOTION GRANTED

DATE: 6 June 2005

James D. Todd
U.S. District Judge

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on 6/6/05

FILED BY: D.C.
05 JUN -3 PM 3:37
ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN JACKSON

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN JACKSON

05 JUN -6 PM 1:38

FILED BY: D.C.

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Respectfully submitted,

TERRELL L. HARRIS
United States Attorney

By: Jerry R. Kitchen by Victor P. J.
Jerry R. Kitchen
Assistant United States Attorney
109 South Highland Avenue, Suite 300
Jackson, Tennessee 38301
(731) 422-6220

CERTIFICATE OF SERVICE

I, Jerry R. Kitchen, do hereby certify that I have this date delivered a true and exact copy of the foregoing to Joe H. Byrd, Jr., Byrd & Byrd, PLLC, PO Box 2764, Jackson, TN 38302.

This the 3rd day of June, 2005.

Jerry R. Kitchen by Victor P. J.
Jerry R. Kitchen
Assistant United States Attorney



Notice of Distribution

This notice confirms a copy of the document docketed as number 32 in case 1:04-CR-10071 was distributed by fax, mail, or direct printing on June 6, 2005 to the parties listed.

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Jerry R. Kitchen
U.S. ATTORNEY
109 S. Highland Ave.
Jackson, TN 38301

Honorable James Todd
US DISTRICT COURT